DOCUMENT RESUME

ED 146 872 HE 009 442

AUTHOR Thomas, C. R.
TITLE Negotiating Cues. Collective Bargaining Perspectives, Volume 2, Number 11.
INSTITUTION West Virginia Univ., Morgantown. Dept. of Educational Administration.
PUB DATE Nov 77
NOTE 5p.; Document may not reproduce clearly due to colored background and small type
AVAILABLE FROM Department of Educational Administration, College of Human Resources and Education, West Virginia University, Morgantown, WV 26506

EDRS PRICE MF-$0.83 HC-$1.67 Plus Postage.
DESCRIPTORS *Collective Bargaining; *College Faculty; Communication Skills; Electronic Data Processing; *Employer Employee Relationship; Higher Education; *Information Networks; Information Seeking; *Information Sources; Negotiation Agreements; *Organizational Communication

ABSTRACT

Negotiating cues--sometimes referred to as tips, clues, or signals--are elements of the collective bargaining process that are important to look for, recognize, and use to advantage. They may appear as : (1) a word or other signal hinting the beginning of an action; (2) an action distinguishable from the ordinary; (3) a foreshadowing or sign of what may occur later; or (4) a tip conveying warning in time to permit escape or preparation. Such cues may be simple or very sophisticated. They may be found by: surveying the prenegotiations information; checking grievances; using computerized information; finding or using secret information pipelines; examining preliminary statements; and knowing the members of the other negotiating team. (Author/MSE)

****
* Documents acquired by ERIC include many informal unpublished *
* materials not available from other sources. ERIC makes every effort *
* to obtain the best copy available. Nevertheless, items of marginal *
* reproducibility are often encountered and this affects the quality *
* of the microfiche and hardcopy reproductions ERIC makes available *
* via the ERIC Document Reproduction Service (EDRS). EDRS is not *
* responsible for the quality of the original document. Reproductions *
* supplied by EDRS are the best that can be made from the original. *
****

ED146872

COLLECTIVE BARGAINING PERSPECTIVES

Department of Education Administration

College of Human Resources and Education
West Virginia University

Volume 2, Number 11 November, 1977

Harold I. Goodwin, Editor

U S DEPARTMENT OF HEALTH, EDUCATION & WELFARE
NATIONAL INSTITUTE OF EDUCATION

THIS DOCUMENT HAS BEEN REPRODUCED EXACTLY AS RECEIVED FROM THE PERSON OR ORGANIZATION ORIGINATING IT. POINTS OF VIEW OR OPINIONS STATED DO NOT NECESSARILY REPRESENT OFFICIAL NATIONAL INSTITUTE OF EDUCATION POSITION OR POLICY

"PERMISSION TO REPRODUCE THIS MATERIAL HAS BEEN GRANTED BY

[illegible]

TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC) AND USERS OF THE ERIC SYSTEM."

Negotiating Cues

C. R. Thomas
Associate Professor of English
California State College
California, Pa.

During all collective bargaining contract negotiations in higher education, both management and faculty are concerned with getting the best contract possible. Therefore, one essential skill each negotiating team member should have or develop is the ability to look for, to recognize, and to use negotiating cues.

Cues—sometimes referred to as tips, clues, or signals—are diverse in form and may appear to the negotiator before or during actual negotiations in one or all of the following ways:

a word or other signal hinting the beginning of an action,
an action which is distinguishable from what is ordinary,
a foreshadowing or sign of what may occur later,
a tip conveying warning in time to permit escape or preparation.

Negotiating cues fall somewhere along the spectrum between simple and ultra-sophisticated.

An example of a simple cue is the formal and direct request by the faculty union president to the college president for information concerning how many faculty members at the college have reached the last salary step within the ranks of instructor, assistant professor, associate professor, or full professor.[1] Surely, a college president should know that the union president would not be collecting such information for no reason at all. Instead, the college president should know that this information might be the basis of future contract demands to add a step or two to the existing salary schedule.

On the more sophisticated end of the continuum, one faculty union at a community college in New York gained cues for up-and-coming negotiations by having the librarians note all books and periodicals taken out of the library by the management team.[2] This cue, although one of the most interesting of all gathered, was not by any means the most clever.

To gather such negotiating cues, the negotiating team member should do each of the following:

1. Survey the pre-negotiations information.
2. Check grievances for cues.
3. Use computerized information.
4. Find or use pipelines.
5. Examine preliminary statements.
6. Know the other team's members.

Thus the purpose of this paper shall be to explain in more detail each of the aforementioned ways to find cues. In addition, most of the information used in this paper was gained through one-to-one interviews with faculty union leaders from all over the country who attended the Conference of Faculty Unions in Public Education held in Pittsburgh on October 1-3, 1976.

Survey the Pre-Negotiations Information

Long before the actual negotiations begin, informational cues about the forthcoming contract talks can be gathered from numerous sources, namely, the previous contract negotiations notes, the state legislative appropriations for higher education, the institutional budget, and the remarks made in various meetings and elsewhere.

An excellent place to begin to prepare for negotiations, according to advice given by Thomas Shipka, past president of NEA Higher Education Council of the Ohio Education Association and Chief Faculty Negotiator for Youngstown University, is to check on the negotiations for the previous contract. "You can figure what they want by checking what they failed to get last time."[3]

Along the same line, Professor Jay Zeffiro, who teaches collective bargaining at California State College in Pennsylvania, advised that anyone involved with contract negotiations should record important notations for every proposal. Rewordings agreed upon by both parties can be recorded instantly, providing a safeguard against the language being purposely or accidentally changed later. For other areas, however, to jot down notes during negotiations might give a cue to the other side. Still, such information can be recorded a few hours later in preparation for the next session. And these notations will become even more valuable a year or so later when the next contract talks begin.[4]

Knowing the way that legislative funds for higher education are appropriated can provide cues as to what to expect.[5] A faculty union cannot expect the negotiating team representing management to agree to a concession for which it does not have funds to implement. "What the negotiating team for management says is only rhetoric; legislative actions have determined what can be given to state colleges."[6]

On the institutional level, the budget is the place to start. The line item breakdown shows where huge legislative appropriations have gone before, are going now, and will probably go in the immediate future. It's not realistic to ask for items which can't be gained. A smart negotiator will do his homework on the school budget.[7]

Theodore Lang, Director of the National Center for the Study of Collective Bargaining in Higher Education, said,

"Tell me their perceptions on money."[8] Asserting that attitudes about the financial picture were extremely valuable in providing cues, the educational leader emphasized the importance of checking this financial area.[9] Such information can be gained in bits and pieces. "Committee meetings often reveal the [financial and other] postures of the college or university president."[10] "No one stands mute up until the time negotiations begin. Everyone says something—except for professional negotiators."[11]

Check Grievances for Cues

Grievances predict the direction of the next contract.[12] And for a good reason. "Past grievances indicate weak points in the existing contract."[13]

> Thus, article after article. . .[may come] out of one particular grievance. The state [New York, in this case] doesn't want to be embarrased forever.[14]

The filing of a grievance can provide a cue about forthcoming negotiations.

> If there is no response, it means the other side doesn't view it as a credible threat. They would be willing to take heat [a strike]. If there is a phone call, on the other hand, it means you've hit a nerve. They want to work it out.[15]

And one might expect the management team to rewrite this area of the CBA (Collective Bargaining Agreement) for the next contract negotiations. In certain other serious grievances, the responses to grievances may be made by one lawyer who represents management notifying the lawyer who represents the faculty union. This cue outrightly signals the faculty union that the management person could not handle the conversation, a fact that virtually insures that management will give a high priority to a rewritten article, which protects this grievance from endlessly occurring. A list of these grievances should be kept to prepare for the contract negotiations.

Use Computerized Information

Along more technical lines, the computer can provide some highly sophisticated cues. Eliminating time-consuming paper work and yielding almost instant results, the computer can be used to digest huge amounts of data about national or state negotiation patterns in higher education or other information.

In public education, the Michigan NEA discovered that various school boards around the state were following patterned negotiations. Using computerized information, the school board representatives had set up "Task Force 39," a coordinated computerized approach. The same pattern keeps reappearing. The public school boards would do superficial bargaining on non-economic issues, holding off until the eleventh to talk about economic issues. The Michigan Higher Education Association has set up Regional Bargaining Councils in higher education to watch for similar bargaining cues in higher education.[17]

Using computers for contract negotiations is not limited to Michigan. Dave Fetter, local APSCUF secretary at Lock State College in Pennsylvania, has had a lot of earlier public school experience. He asserted that the faculty unions in higher education should use computers to prepare for negotiations. He further explained that the statewide management in the public schools has a status report on all K-12 negotiations across the state. These reports are housed in the Education Administration Department at Penn State, although he thought some information was housed at Pitt and Temple, too.[18] Certainly, such computerized information would provide faculty union negotiating teams with many cues.

Also, it's rather easy to see how keeping a computerized card on all statewide grievances would provide a printout which would yield many valuable cues that could be used in preparing for contract negotiations. Likewise, if faculty union members were extremely energetic, entire collective bargaining agreements from all over the country could be fed into the computer. Next, the information could be programmed to provide printouts on various sub-topics, providing cues for writing new contract proposals.

In short, it seems certain that the computer will be increasingly used by both management and faculty unions.

Find or Use Pipelines

The pipeline, "a channel by which secret information is transmitted,"[19] was the single, most named, source of information which could be used in negotiations. A closer look at this phenomena will prove that there are some interesting variations of it.

Starting with the most simple pipeline, a great deal of information can be gained from a secretary,[20] and this information varies too. Daily information might be gained. It's not that secretaries pass it on directly or purposely, but rather other information given might cue a perceptive person that something is going on. For example, if the union president asks the college president's secretary for an appointment and she replies, "He's been in there all morning with____, and he'll probably be tied up this afternoon," the union leader might be able to figure out what's going on because he knows the visitor's job and/or concern. Along the same line, a response such as, "He's meeting with____at 2 p.m. How about tomorrow?" may provide similar information.

On other occasions, however, secretaries have supplied important information about negotiations directly. During one series of negotiations in Michigan, for instance, higher education union officials received copies of the internal memoranda of one institution's management—in some cases—before the actual addresses received notes. This action occurred because secretaries, who were also members of a union, sympathized with the higher education faculty union.[21]

But secretaries aren't the only ones on campus who serve as pipelines.

> There are always people on campus—department chairmen—and others—who are between management and the faculty unions. A former union member sometimes may tell you what to expect during the negotiations.[22]

In addition, according to Roland Jones, former AFT Chapter President and Negotiating Team Member for three contracts at Bucks County Community College in Newtown, Pennsylvania, union people should seek out such information—

> especially toward the end of the negotiations. Management purposely sets up pipelines so that a contract can be more quickly settled.[23]

Union negotiators have learned that the pipeline can work both ways. At Fairleigh Dickenson University in New Jersey, a dean who was a symphathizer of the faculty union carried information back to management,[24] causing that

particular pipeline to work against the faculty union negotiating team.

Perhaps the most interesting cues were gained because of management rivalries. Reported to have occurred both in Ohio[25] and Michigan,[26] the incidents producing the cues were virtually the same. Seemingly managment members would never pass information to a union person unless it was in exchange for other information. But not so in the two following cases.

At both higher education institutions concerned, the heads of the management negotiating team were trying to look good for their respective presidents. And on both of those negotiating teams there were other team members also eager to advance. By leaking information to the union leaders involved at each institution, the team captains for the management teams suddenly lost all their strategic leverage. These men, although definitely ambitious, were undermined as team leaders without ever knowing what had happened and, thus, may have begun to doubt their own abilities. In any case, both "pipelines" provided the respective faculty unions with valuable negotiating cues.

Other pipelines exist. For example, if the faculty union has been helpful in securing an appointment for a person on the board of trustees at a college or university, this board member might provide valuable cues. At least it has happened in Ohio.[27] To gain information, public school union negotiators have studied the organizational structure and found pipelines, i.e., board members who dropped clues and the school superintendent who sometimes is willing to speak confidentially.[28] Higher education union leaders have located comparable pipelines. One method for gaining cues is to talk to people who talk to people—to use the venacular. Sometimes it works, sometimes it doesn't. Management is more in a position to keep some facts virtually a secret, as Tom Shipka testified was done at Youngstown University once with the economic package. "only three people knew the money position. We couldn't penetrate that wall."[29]

The Executive Director, Sandra S. Walther, Runners Council of AAUP Chapters, cited how she has gained valuable cues.

> In local circumstances, listening at the table is good. Then one can strike up rapport other places.[30]

Several of the women who attended the conference stated that they felt women were at a disadvantage during negotiations because—naturally—they could not go to the men's restrooms. According to them, and according to several men at the conference, a lot of information is passed between the management team and the faculty union team in the men's room, hints at what realistically might be accepted by the other team.

Examine Preliminary Statements

Before negotiating sessions actually begin, the preliminary statements for both management and the faculty union are exchanged. These statements often provide an alert negotiator another source for negotiating cues. Management's language in the prepared statement may signal that a new strategy from previous years is being tried, that the position is tougher than last time, or that the general emphasis is less than last time.[31]

Another thing an alert negotiator does is to check and see what is not in the packet. While some negotiators consider the opening packets mere exchanges of unrealistic rhetoric, others have found them valuable, often providing clues as to what can be traded off.[32]

Know the Other Team

By now, hopefully, the reader has realized how complex and comprehensive the negotiating process is. And if by chance, he/she hasn't, this section should be enlightening.

Repeatedly, in one form or another, the same refrain was stated by one seasoned negotiator after another who attended the Conference of Faculty Unions: "Know the other team."[33] For example, once the real negotiations start, one major question about the other negotiating team members becomes apparent. "Do they have real authority? Or are they merely errand boys."[34] Assuming the latter were true, a lot of informational cues could be gained for management while wasting time for the faculty union negotiating team.

The faculty negotiating team should know the campus political stand of each member of the management negotiating team. Long before the negotiating time arrives, records should be kept on each management person. Then, right before the negotiations, those records should be analyzed for cues.[35] For example, the current members of the APSCUF negotiating team, which for some time has been charged with working out an acceptable new affiliations agreement with PSEA (Pennsylvania State Education Association), received a cue that they were in for some tough negotiating when Jacques Angle, Pennsylvania public school teacher and member of the PSEA affiliations negotiating team, was selected president of PSEA. Running on a "get tough with higher education members" platform, a winning number of K-12 people backed him, encouraging him to be uncompromising at the negotiating table.[36] And apparently he has been tough. The negotiations between the two groups has gone nowhere. And APSCUF has recently disaffiliated from PSEA.

Another cue might be the appearance of a new team member. For example, a lawyer representing management might signal the faculty team that an attempt to contain or intimidate them on legal grounds on a certain issue was in store. And likewise, the faculty bringing an AFT representative to the table might give management a similar type of cue.[37]

Negotiating cues might be gained when one member leaves the opposite team and when the new replacement joins the team.[38] Having listened well at the table, as was previously suggested, should enable the faculty team to estimate how the former member's absence and this new person's presence will affect the other side's negotiating. In other words, the addition of the new person may cue the faculty team that classroom teaching benefits will be easier to get but that economic benefits will be harder.

Ernest Benjamin, President, Faculty Association, Wayne State University Detroit, Michigan, approaches his negotiations in a deadly serious manner. In addition to noting cues which indicate what difference a certain management person will make in the other negotiating team, Dr. Benjamin makes sure he has a faculty person to deal with every management team member,[39] reminding one of a basketball coach who adjusts his man-to-man defense according to the other coach's line up. And certainly Dr. Benjamin's thoroughness ascertains that little is left to chance by faculty union leaders.

Another approach employed to gain cues at the table was to analyze the players on the other side. Supposedly, the spokesperson is the leader, but he/she is not always the authority person of the team. Therefore, one faculty team captain sorted the opposite players into two groups: strong and weak members. Locating the authority figure and the stronger members cued this faculty negotiator as to how to negotiate most effectively with this group, namely by dealing with the stronger members who would control the group's decision-making process.[40]

Study the Actions of the Other Team Closely

Although Arnold Cantor, Executive Director of the Professional Staff Congress, CUNY, stated that most negotiating sessions are a charade, he and others did explain how a person can pick up cues during the negotiation activities.

One female faculty union leader suggested that the personalities of the other team—and especially the leader—should be studied closely. She suggested that one first establish whether the other team was disciplined. Establishing that would cue the faculty team that reactions normally expressed when an agreeable suggestion or a negative one was mentioned would be absent.[41] Next she said to watch the facial actions of the leader. "Is he bluffing? Is he looking for a caucus signal?"[42] Assuming he looks for a caucus signal, it might be a cue that he approves of the proposal or wants to offer one along the lines of the recent discussion.

Arnold Cantor, an experienced negotiator, suggested paying particular attention to the spoken and written word. "The inflection in someone's voice may provide a cue."[43] He or she really might not be that opposed to an idea. However,

> when a person always used to speaking to you suddenly begins reading a statement to you, it may be a clue that his team has directed him to take a firmer stand on an issue.[44]

More so, after a caucus, which may have been held to consider changing a position, the faculty union team should look for cues of such a change in the new proposal. "A new word—or sentence structure—may indicate that a change has taken place."[45]

The suggestion to break for lunch or just for coffee may offer another cue. The tone of voice of the person making the suggestion, plus what happens after the recess, could mean that such breaks are used to talk with the other leaders, namely those who are not seated at the table but who may be calling the plays from afar.

Take Advantage of the Other Team's Makeup

Another suggestion gained from the higher education negotiators was to take advantage of the makeup of the other team. Knowing the other team so well that sub-groups can be identified can be helpful. Discussing certain issues should be done to enable the faculty team members to identify which members are part of the old regime and which ones are part of the new administrative regime. The faculty team should then count on the emotional member(s) of the management team to blow up. Finding these emotional members and causing them to blow up has helped some negotiating teams.[46]

Conclusion

"Negotiations are very idiosyncratic—even from one year to the next."[47] Still, they are the mechanism which enables the faculty union and the college and university administration to give and take until a mutually agreed upon contract exists. And, hopefully, this paper has provided an understanding of negotiating cues which may prove helpful to the reader in some future negotiations. Naturally, one should expect to find cues revealing everything from rivalries to out-right duplicity. However, every effort should be made to keep the dealings at the negotiating table as honest as possible. "The best negotiations are those which are not formed on deceit."[48]

The quotations contained in the text were obtained from private interviews with the following persons who have extensive personal knowledge of the collective bargaining process:

1. Dr. Howie Bell; 2. Gene Glickman; 3. Thomas Shipka; 4. Professor Jay Zeffiro; 5. James Miller; 6. William D. Crist; 7. Harvey Heath; 8. Theodore Lang; 9. Ibid; 10. Donald Pierce; 11. William Crist; 12. Robert Kanter; 13. Mark Cornfield; 14. Ed Alfonsin; 15. Carleton (Wally) Smith; 16. Ibid; 17. Ibid; 18. Dave Fetter; 19. Ibid; 20. Theodore Lang; 21. Carleton (Wally) Smith; 22. Roland Jones; 23. Ibid; 24. Peter Falley; 25. Thomas Shipka; 26. Carleton (Wally) Smith; 27. Thomas Shipka; 28. Theodore Lang; 29. Thomas Shipka; 30. Sandra S. Walther; 31. James Miller; 32. Ed Alfonsin; 33. Lou Rosenfield; 34. Hal Thorles; 35. William Crist; 36. James Coolsen; 37. Roland Jones; 38. Arnold Cantor; 39. Ernest Benjamin; 40. Robert Currey; 41. Bert Jensen; 42. Ibid; 43. Arnold Cantor; 44. Ibid; 45. Ibid; 46. Robert Currey; 47. Peter Falley; 48. Ibid.

Collective Bargaining Perspectives, a monthly publication of the Department of Education Administration, College of Human Resources and Education, West Virginia University, is intended to be a means to distribute information about the union-management contractual conditions which affect the nature of higher education institutions. The information contained in this publication is extracted from an extensive collection of contracts maintained by the Department.